

AMENDED IN SENATE APRIL 21, 2009

**SENATE BILL**

**No. 574**

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**Introduced by Senator Hancock**  
*(Principal coauthor: Senator Romero)*

February 27, 2009

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An act to amend Section 84810.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 574, as amended, Hancock. Community colleges: inmate education programs: computation of apportionments.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges.

Existing law provides that, notwithstanding open course provisions in statute or regulations of the board of governors, the governing board of a community college district that provides classes for inmates of certain facilities, including a federal correctional facility, may include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

This bill would instead require the open course provisions in statute or regulations of the board of governors to be waived for any governing board of a community college district that provides those classes for inmates, including inmates of state correctional facilities, and would authorize the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

This bill would make revisions to that method of computation.

The bill would prohibit a community college district from claiming, under the bill, for purposes of apportionments, any class for which a district receives full compensation for its direct education costs for the conduct of the class from any public or private agency, individual, or group of individuals, and any class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 84810.5 of the Education Code is  
2     amended to read:  
3     84810.5. (a) (1) Open course provisions in statute or  
4     regulations of the board of governors shall be waived for any  
5     governing board of a community college district that provides  
6     classes for inmates of any city, county, or city and county jail, road  
7     camp, farm for adults, or state or federal correctional facility. This  
8     section does not authorize the waiver of open course provisions  
9     in any context or situation other than those that are specifically  
10    authorized by this section. Subject to limitations set forth in  
11    subdivision (b), the board of governors may include the units of  
12    full-time equivalent students (FTES) generated in those classes  
13    for purposes of state apportionments.  
14    (2) The attendance hours generated by credit courses shall be  
15    funded at the marginal credit rate determined pursuant to paragraph  
16    (2) of subdivision (d) of Section 84750.5. The attendance hours  
17    generated by noncredit courses shall be funded at the noncredit  
18    rate.  
19    (b) (1) A community college district shall not claim, for  
20    purposes of state apportionments under this section, any class to  
21    which either of the following applies:  
22    (A) The district receives full compensation for its direct  
23    education costs for the conduct of the class from any public or  
24    private agency, individual, or group of individuals.

1 (B) The district has a contract or instructional agreement, or  
2 both, for the conduct of the class with a public or private agency,  
3 individual, or group of individuals that has received from another  
4 source full compensation for the costs the district incurs under that  
5 contract or instructional agreement.

6 (2) In reporting a claim for apportionment to the Chancellor of  
7 the California Community Colleges under this section, the district  
8 shall report any partial compensation it receives from the sources  
9 described in subparagraphs (A) and (B) of paragraph (1) during  
10 the period for which the claim is made. The chancellor shall  
11 subtract the amount of any partial compensation received from the  
12 total apportionment to be paid.

13 (c) This section does not provide a source of funds to shift,  
14 supplant, or reduce the costs incurred by the Department of  
15 Corrections and ~~Rehabilitation~~ *Rehabilitation* in providing inmate  
16 education programs.